



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,297	10/24/2000	James M. Zombek	003636.0092	1662

7590 10/10/2007
Manelli Denison & Selter PLLC
Attention: William H. Bollman
2000 M Street, N.W.
Suite 700
Washington, DC 20036

EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
----------	--------------

2155

MAIL DATE	DELIVERY MODE
-----------	---------------

10/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/694,297

Applicant(s)

ZOMBEK ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 24-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on September 11, 2007.

Claims 24-39 have been withdrawn as non-elected claims.

Claims 1-23 are pending in the application.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The supporting section of the specification for the new limitations (Page 31, lines 8 – 12) does not anticipate the claim idea that the client application is unaware of the underlying fundamental network protocol.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The client language has been amended to

Art Unit: 2155

include the idea that the client application is unaware of the fundamental network protocol. The specification does not support this claim language, the specification only indicates on Page 31, lines 8 – 12 that the wireless network access protocol is transparent to the message router and the back-end server, and mentions nothing regarding the client application being aware of any fundamental network protocol.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

First, it is unclear what is meant by the client application being unaware of the fundamental network protocol since there is no support in the specification for this claim limitation.

Second, the claim has been amended to include the limitation of said selected wireless network protocol being different from said selected wireless network protocol.

This claim limitation is backwards and there is no indication on how the wireless network protocol can be different from itself.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2155

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-7, 11-14, 18-19, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramasubramani (6507589).

Regarding claims 1 and 13, Ramasubramani discloses a messaging system, comprising:

a client device having stored therein a client application adapted to be executed by said client device (Column 5, lines 60 – 64);

a server having stored therein a server application adapted to be executed by said server (Column 6, lines 27 – 34);

a plurality of wireless networks adapted to communicate messages between said client device and said server and to support one or more wireless network protocols (Column 5, line 64 – Column 6, line 5);

a protocol gateway encapsulating a fundamental network protocol underlying each of said one or more wireless network protocols (Column 5, lines 42 – 48; Column 15, lines 1 – 12); and

a communicator for communicating a message between said client application and said server application over a selected one of said one or more wireless network protocols through said protocol gateway said selected wireless network protocol being different from said selected wireless network protocol (Column 12, lines 37 – 45).

wherein said protocol gateway encapsulates said fundamental network protocol such that an encapsulation protocol is transparent to said client application and to said server application (Column 15, lines 1-12 and 25-34; where the information is in the PDU format until it is received at the airwave network carrier, which is then translated into the wireless protocol).

Regarding claims 2 and 14, Ramasubramani discloses the messaging system according to claims 1, 13, and 24, further comprising at least one message router for routing said message between said protocol gateway and said server (Column 23, line 64 – Column 24, line 3).

Regarding claims 6 and 18, Ramasubramani discloses the messaging system according to claims 1, 13, and 24, further comprising an HTTP proxy server adapted to receive a plurality of HTTP requests from said client device, send each said request over an Internet to said server, and transmit a response corresponding thereto from said server to said client device (Column 5, lines 44 – 47; Column 12, lines 37 – 45).

Regarding claims 7 and 19, Ramasubramani the messaging system according to claims 6 and 18, wherein: the HTTP proxy server is adapted to support one or more HTTP protocols (Column 12, lines 37 – 45).

Regarding claimss 11 and 22, Ramasubramani discloses the messaging system according to claims 1 and 13, further comprising there is a means for supporting a message retry in each of said wireless network protocols (Column 7, lines 30 – 33).

Regarding claims 12 and 23, Ramasubramani discloses the messaging system according to claims 1 and 13, further comprising there is a means for supporting a

Art Unit: 2155

message ACK/NACK service in each of said wireless network protocols (Column 7, lines 30 – 33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Barzegar (5894478).

Regarding claims 3 and 15, Ramasubramani discloses the messaging system according to claims 2 and 14.

Ramasubramani does not explicitly indicate the message router further comprises means for authenticating an origin of said message.

Barzegar teaches a system with protocol gateways and a message router where the message router is programmed to authenticate messages based on who sent them (Column 3, lines 56 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Barzegar's teaching of message authentication to increase the security of the system and prevent unauthorized requests.

Regarding claims 4 and, 16, Ramasubramani discloses the messaging system according to claims 3 and 15.

Ramasubramani does not explicitly indicate that the authenticating means authenticates said origin before said message is routed by said message router.

Barzegar teaches a system with protocol gateways and a message router where the authenticating means authenticates said origin before said message is routed by said message router (Column 3, lines 56 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Barzegar's teaching of message authentication to increase the security of the system and prevent unauthorized requests.

Regarding claims 5 and 17, Ramasubramani discloses that there is a database accessible by said message router and adapted to store information relating to routing and authentication of said message (Column 24, lines 19 – 24).

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Boyle (6119167).

Regarding claims 8 and 20, Ramasubramani discloses the messaging system according to claims 6 and 18.

Ramasubramani does not explicitly indicate that the HTTP proxy server comprises: means for creating a TCP/IP socket connection; and means for managing said TCP/IP socket connection.

Art Unit: 2155

Boyle '167 teaches a wireless protocol gateway and http proxy that creates a TCP/IP socket connection; and manages said TCP/IP socket connection (Column 3, lines 27 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Boyle's teaching of the TCP/IP connection Ramasubramani's system in order to have a TCP/IP connection to connectionless wireless protocols.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Kung (6826173).

Regarding claim 9, Ramasubramani discloses the messaging system of claim 1.

Ramasubramani does not explicitly indicate that there is an SNMP manager.

Kung discloses a system with a multiple protocol gateways that communicate using SNMP communication (Column 13, lines 5 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kung's in Ramasubramani's system in order to allow the management service of the messaging system send commands to other devices in the system using the common SNMP protocol from an SNMP manager.

Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Boyle (6138158).

Regarding claims 10 and 21, Ramasubramani discloses the messaging system according to claims 1 and 13.

Ramasubramani does not explicitly indicate that the system is further comprising: means for defining a maximum segment size; means for determining if said message exceeds said maximum segment size; and means for segmenting said message into a plurality of message segments, none of said plurality of message segments exceeds said maximum segment size.

Boyle '158 teaches a messaging system (Column 8, line 52 – Column 9, line 2) that includes defining a maximum segment size; means for determining if said message exceeds said maximum segment size; and means for segmenting said message into a plurality of message segments, none of said plurality of message segments exceeds said maximum segment size (Column 13, lines 37 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Boyles teaching of breaking up messages in Ramasubramani's system because some of the messaging protocols may only be able to support a maximum message size and Boyles system allows long messages to be broken up to the max size and transferred.

Response to Arguments

The applicant argues that the reference, Ramasubramani, does not teach a higher level common protocol that is transparent to the client application and to the server application. The examiner disagrees, first the idea of what network level or layer the encapsulation occurs is not included in the claimed invention so any idea of what level of protocol is encapsulated so any argues toward that point are moot.

Second the specification does not support the claimed limitation and only supports the idea that the wireless network protocol being used for the communication is encapsulated from the message router and the back-end server. In the reference as seen in Column 15, lines 1-15 and 25-34, Ramasubramani, teaches the idea that a standard PDU is used to transport the information to the wireless network, that data is then transferred to the proper wireless network and sent over that network using that network's wireless protocol. The back end server and message router in the reference need not know the wireless network protocol that the destination wireless network uses since they only deal with the PDU's while the data is present behind the wireless protocol gateways.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2155


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Bates

Kevin Bates
October 4, 2007


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100